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Security Council

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**Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia**

## Note verbale dated 19 March 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia and has the honour to enclose the report of New Zealand on the implementation of sanctions imposed under Security Council resolution 1844 (2008) (see annex).

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## Annex to the note verbale dated 19 March 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

## Report of New Zealand on the implementation of sanctions imposed under United Nations Security Council resolution 1844 (2008)

Under paragraph 25 of Security Council resolution 1844 (2008), the Council decided that all Member States should report to the Committee within 120 days of its adoption on the steps they had taken with a view to implementing paragraphs 1 to 7 of the resolution.

New Zealand wishes to inform the Committee that it is working to implement resolution 1844 (2008) by way of amendments to the United Nations Sanctions (Somalia) Regulations of 1992, promulgated under the United Nations Act 1946. The process for amending the Regulations is now underway. It is anticipated that the United Nations Sanctions (Somalia) Amendment Regulations 2009 will enter into force in May 2009.

### Implementation of paragraphs 1 and 2: travel ban

> "1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;
>
> "2. *Decides* that the measures imposed by paragraph 1 above shall not apply:
>
> (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
>
> (b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;"

The United Nations Sanctions (Somalia) Amendment Regulations 2009 ("the Regulations") will provide for a travel ban against individuals designated by the Committee, as required under paragraph 1 of resolution 1844 (2008). The Regulations will also include the exceptions to the travel ban set out in paragraph 2 of resolution 1844 (2008).

### Implementation of paragraphs 3, 4 and 5: assets freeze

> "3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides

further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

"4. *Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

"5. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen."

The Regulations will implement the assets freeze measures on designated individuals and entities required under paragraph 3 of resolution 1844 (2008), by prohibiting dealings in assets, money, or securities of, or derived from, property of designated persons or entities, and by prohibiting sending funds to designated persons or entities. The Regulations will provide for the exceptions to the assets freeze listed in paragraphs 4 and 5 of resolution 1844 (2008).

**Implementation of paragraphs 6 and 7: arms embargo**

"6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

"7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;"

The current regulations (United Nations Sanctions (Somalia) Regulations 1992, regulations 3 to 10) implemented the general and complete arms embargo against Somalia reaffirmed in paragraph 6 of resolution 1844 (2008). They do not, however, currently implement paragraphs 1 and 2 of resolution 1425 (2002), prohibiting the provision to Somalia of assistance (including financial), advice, or training relating to military activities. Accordingly, the United Nations Sanctions (Somalia) Amendment Regulations 2009 will also include an express prohibition on the provision of any technical advice, financial or other assistance, or training, if it relates to military activities, to a person in Somalia, subject to the relevant exceptions provided in resolutions 1744 (2007), 1772 (2007), 1846 (2008) and 1851 (2008).

The Regulations will also provide for an individual targeted arms embargo (including a ban on training and assistance) on designated individuals and entities, as required by paragraph 7 of resolution 1844 (2008).

**Implementation of paragraph 12 of resolution 1846 (2008) and paragraph 11 of resolution 1851 (2008)**

For completeness, it is also noted that in order to implement paragraph 12 of resolution 1846 (2008) and paragraph 11 of resolution 1851 (2008), the existing arms embargo regulations (United Nations Sanctions (Somalia) Regulations 1992, regulations 3 to 10) will be amended to provide an exception for arms or assistance provided to Member States or regional organizations for the purpose of undertaking anti-piracy measures off the Somali coast.

Further information on New Zealand's implementation of Security Council sanctions, including an electronic copy of the United Nations Sanctions (Somalia) Regulations 1992, is available at http://mfat.govt.nz/Treaties-and-International-Law/09-United-Nations-Security-Council-Sanctions/index.php. The website will be updated once the amendment regulations have been promulgated.

New Zealand
Ministry of Foreign Affairs and Trade
Wellington
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